

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Aaron Lewis

Atty. Docket No. Lewis/Integrat

Application No.: 10/533,904

Group Art Unit: 1791

Filed: 09/27/2005

Examiner: HOFFMANN, JOHN M

For: INTEGRATED SIMULATION FABRICATION AND CHARACTERIZATION
OF MICRO AND NANO OPTICAL ELEMENTS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action which was mailed on March 13, 2009, Applicants hereby elect with traverse that the Group I invention and Species A be examined in the subject application.

In the Office action, the Examiner asserts that the Group I invention covers claim(s) 79-82, 85-90, and 92-96, "drawn to a method of fabricating a surface (the preamble does not breathe life or meaning to the claim)."

Applicants respectfully disagree and note that claim 79 does not say anything about fabricating a surface but specifically recites: "A method for producing a micro, submicro and/or nanostructure for modulating light," which is obviously is generic to any of the various optical devices disclosed in the application, including an optical fiber, waveguide, lens, etc. Claim 79 further recites that the method includes: providing a theoretical simulation of light modulating parameters for the structure, the simulation being based on an exact numerical calculation of fields within the structure and outside a light emitting surface of the structure; characterizing the emitting surface of the structure

by geometric and light profiling at the surface, in the near-field of the surface, and at far-field distances from the surface; and predicting and fabricating the emitting surface integrally with said simulation and characterization steps. The steps of simulating and characterizing are also disclosed in claims 103-106, which Applicants respectfully submit also recite variations of the Group I invention. Regarding Species A, a solid fiber optic, claims 79-82, 85-90, 92-96, 105 and 106 read on this species of the invention.

Applicants request that the time period for responding be extended two months to June 15, 2009. The Commissioner is hereby authorized to charge the \$245.00 extension fee and any other fees due by this filing to Deposit Account No. 10-1213.

Respectfully submitted,

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